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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/500,844      08/04/95      HULLETT      J      VII

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26M1/0705

MARCELO EXAMINER

ART UNIT	PAPER NUMBER
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2607

DATE MAILED:

07/05/96

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/500,844

Applicant(s)

Hullett et al.

Examiner

Melvin Marcelo

Group Art Unit

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☒ Responsive to communication(s) filed on Aug 4, 1995

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-29 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 2 and 6 is/are allowed.

☒ Claim(s) 1, 3-5, and 7-29 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Aug 4, 1995 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892 ✓

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4 ✓

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948 ✓

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**Part III DETAILED ACTION**

***Drawings***

1. The drawings are objected to because Figures 5 and 6 are not designated by a legend such as "Prior Art". The legend is necessary in order to clarify what applicant's invention is. MPEP § 608.02(g). Correction is required.

***Specification***

2. This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). An Abstract on a separate sheet is required.

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

4. Claims 1, 3-5, 7-19, 23, 24 and 29 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 12, "said constraint" lacks a proper antecedent basis.

Claim 4, lines 4-5, "the threshold level" lacks a proper antecedent basis.

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Claim 5, lines 2-3, "said threshold level" lacks a proper antecedent basis.

Claim 5, lines 4-5, it is not clear what is meant by "the transmission system" since this terminology has not been used previously in the claimed subject matter.

Claim 6, line 3, "the delay" lacks a proper antecedent basis.

Claim 7, lines 4-5, it is not clear what is meant by "a threshold value into the future."

Claim 8, lines 16-17, "the scheduling for said virtual path" lacks a proper antecedent basis in claim 1. See claim 2.

Claim 9, lines 4-5, "the Payload Type Identifier" lacks a proper antecedent basis.

Claim 10, line 2, "said constraint" lacks a proper antecedent basis.

Claim 11, line 8, "said constraint" lacks a proper antecedent basis.

Claim 12, lines 21-22, the phrase "and for any cell arriving for transmission on a given path" appears to be incomplete.

Claim 12, line 29, "said end of transmission" lacks a proper antecedent basis.

Claim 14, lines 4-5, "the threshold level" lacks a proper antecedent basis.

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Claim 15, lines 4-5, it is not clear what is meant by "the transmission system."

Claim 16, line 3, "the delay" lacks a proper antecedent basis.

Claim 17 lacks a proper antecedent basis to claims 11, 13 and 14. See claim 12, 'scheduling means'.

Claim 17, line 5, it is not clear what is meant by "a threshold value into the future."

Claim 18, lines 15-16, "the scheduling for said virtual path is over the limit" lacks a proper antecedent basis.

Claim 19, lines 4-5, "the Payload Type Identifier" lacks a proper antecedent basis.

Claim 23, line 2, "the linked list" lacks a proper antecedent basis.

Claim 29, it is not clear what is meant by "even" in line 2 and "surface" in line 3.

Claim 29, line 4, "said upon reading out of said first cell" lacks a proper antecedent basis.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section

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371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 20-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Turner (5,260,935).

In Turner, the resequencing of ATM data packets ("cells") provides the appropriate delay period in the buffer (column 2, lines 7-18). Forming a linked list is inherent in Turner, since a linked list provides the sequence order of the packets arriving at the buffer (column 3, lines 41-44).

***Allowable Subject Matter***

7. Claims 1, 3-5 and 7-19 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

8. Claims 6 and 22 are allowable over the prior art of record.

9. The following is an Examiner's statement of reasons for the indication of allowable subject matter: the prior art of record fails to anticipate or make obvious the ATM network with the admission and nonadmission criteria to the buffer when overflow is threatened.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schrodi et al. (5,173,897) and Toyofuku et al. (5,301,193) teach ATM cell buffer controlling the time of output.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Marcelo whose telephone number is (703) 305-4373. The examiner

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can normally be reached on Monday to Friday from 7:30 to 4:00 (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4703. The fax phone number for this Group is (703) 305-4366.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

  
Melvin Marcelo  
Primary Examiner  
June 20, 1996